

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, EASTERN DIVISION

HARLEYSVILLE MUTUAL)
INSURANCE COMPANY,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO.
) 3:05cv469-T
)
GRADY'S TIRE & AUTO)
SERVICE, INC., et al.,)
)
Defendants.)

ORDER

The allegations of the plaintiff's complaint are insufficient to invoke this court's diversity-of-citizenship jurisdiction. The allegations must show that the citizenship of each plaintiff is different from that of each defendant. 28 U.S.C.A. § 1332.

The plaintiff's complaint fails to meet this standard. The plaintiff has sued defendant Nelda Shaw in her capacity as personal representative for the estate of the decedent. "[T]he legal representative of the estate of a decedent shall be deemed to be a citizen only of the

same State as the decedent" 28 U.S.C.A. § 1332(c)(2). Because the complaint sets forth only the citizenship of the personal representative and not that of the decedent, the complaint does not adequately establish the ground for this court to assume jurisdiction of this matter.

It is therefore the ORDER, JUDGMENT, and DECREE of the court that the plaintiff has until September 1, 2005, to amend the complaint to allege jurisdiction sufficiently; otherwise this lawsuit shall be dismissed without prejudice.

DONE, this the 15th day of August, 2005.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE